

LINDABURY, MCCORMICK & ESTABROOK
53 Cardinal Drive
P.O. Box 2369
Westfield, N.J. 07091
(908) 233-6800
Attorneys For Defendants
JHS-1451

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOHN D. HORTON : CIVIL ACTION NO.: 04-5658 (JAG)
Plaintiff, :
-vs- : CERTIFICATION OF
ROSS UNIVERSITY SCHOOL OF MEDICINE, : DENISE SAWITSCH
JORGE RIOS, M.D. AND MICHELLE FRIED :
Defendants. :
:

Denise Sawitsch, of full age, does hereby certify that:

1. I am the Director of Human Resources for Ross University School of Medicine ("Ross University"). As such, I have personal knowledge of the facts set forth herein.
2. Michelle Fried is the Alumni / Travel Coordinator for Ross University. She held that same position during January and February, 2003.
3. Annexed hereto as Exhibit 7 is an account of an encounter with Mr. John D. Horton that I prepared contemporaneously with the event and included in my file. As set forth in the account, on August 19, 2003 Mr. Horton appeared at the offices of Dominica Management/Ross University in Edison, New Jersey without an appointment and asked to see Dr. Jorge Rios. The receptionist explained that Dr. Rios did not work out of that office, but rather, resided in

Dominica. Mr. Horton began yelling at the receptionist, questioning why he was not being considered for the position of Medical Library Director at Ross University and why Ross University was still seeking applicants for the position. After the receptionist provided Mr. Horton with Dr. Rios' e-mail address so that he could communicate with Dr. Rios directly about this matter, Mr. Horton left the premises. The receptionist was visibly shaken and frightened by her encounter with Mr. Horton.

4. After Mr. Horton left the offices, I e-mailed correspondence to both Dr. Rios and Christine Holmberg, Ross University's Vice President of Human Resources, and advised them of the incident involving Mr. Horton. I also recommended that Ross University have no further dealings with Mr. Horton, as I was of the opinion he was emotionally unstable. Annexed as Exhibit 6 is a true copy of that e-mail.

5. On August 25, 2003 Mr. Horton reappeared at our Edison offices, again without an appointment, demanding to see Ms. Holmberg. When Mr. Horton was advised that Ms. Holmberg was not in, he started yelling at the receptionist and refused to leave without seeing her. At this point the receptionist called me and asked that I intervene in the situation. I then spoke to Mr. Horton and asked him to leave the office because of his abusive behavior. In addition, I advised Mr. Horton that if he did not leave the premises, the local police would be called.

6. As a result of the two encounters with Mr. Horton described above, Ms. Holmberg sent a letter to Mr. Horton advising him that he should have no further contact with Ross University. Ms. Holmberg also advised Mr. Horton that if he continued to contact Ross University, it would file appropriate criminal charges against him. A true copy of that letter is annexed as Exhibit 10.

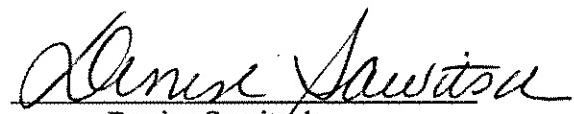
7. On January 19, 2004 Ross University hired Marilyn Sullivan as the Medical Library Director. As reflected in Ms. Sullivan's *Curriculum Vitae*, at the time of her hire she had 25 years experience as a medical librarian, a medical library consultant, a medical library journalist and a library educator, and as such, she fulfilled all of the requirements for the position. A true copy of the *Curriculum Vitae* submitted by Ms. Sullivan is annexed as Exhibit 11.

8. As reflected in the CIGNA Enrollment/Change form filled out by Ms. Sullivan and annexed hereto as Exhibit 12, her birth date is July 19, 1931, making her 73 years of age as of the date of her hire.

9. Also annexed to this Certification are true copies of the following business records maintained by Ross University in connection with the posting of the position of Medical Library Director position that was ultimately filled by Marilyn Sullivan in January, 2004:

- a. E-mails dated January 27, 2003 between Michelle Fried and Dr. Jorge Rios, annexed as Exhibit 1.
- b. Various e-mails dated January 27, 2003 between Michelle Fried and John Horton, annexed as Exhibit 2.
- c. An e-mail dated January 27, 2003 from Tom Backer to Michelle Fried, annexed as Exhibit 3.
- d. The resume of John Horton e-mailed to Christine Holmberg on April 9, 2003, and an annexed hand written memorandum prepared by Ms. Holmberg commenting on Mr. Horton's suitability for the position of Medical Library Director, annexed as Exhibit 4.
- e. E-mail dated August 18, 2003 from Michelle Fried to Christine Holmberg, annexed as Exhibit 5.
- f. Various e-mails dated August 20, and 21, 2003 between John Horton, Dr. Rios and/or Christine Holmberg, annexed as Exhibit 8.
- g. A letter dated August 25, 2003 to John D. Horton from Christine Holmberg advising that he would not be considered for the Medical Librarian position, annexed as Exhibit 9.

I certify that the foregoing statements made by me are true. I am aware that if any of my statements are willfully false that I am subject to punishment by this Court.



Denise Sawitsch

Dated: July 29, 2005